IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 37046 of 2007(I)

PETITIONER:

K.A.ANTO,
S/O.ANTONY, RESIDING AT KUTTUKARAN HOUSE,
ERINJERI ANGADI, THRISSUR- 680 001.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SRI.R.SURAJ KUMAR
SMT.GEETHA P.MENON
SMT.V.DEEPA

RESPONDENTS:

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1. THE GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
THRISSUR.

2. THE DEPUTY TAHSILDAR (R.R),
THRISSUR-20.

3. THE VILLAGE OFFICER,
CHEMBUKAVU, THRISSUR.

BY BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C).37046/2007

Dated this the 14th day of December, 2007

JUDGMENT

Petitioner is the Managing partner of a firm which was given a margin money loan from the District Industries. According to the petitioner, amount was disbursed on 25.8.1997. Admittedly, there was default in re-payment of the margin money. Steps under the Revenue Recovery Act have been initiated, as evidenced by Exts.P1 and P2. Since movables were proceeded against, petitioner paid an amount of Rs.1,00,000/- as against the demand of Rs.2,39,162/- mentioned in Ext.P1 notice. Petitioner challenges the proceedings under the Revenue Recovery Act on the premise that the claim is time barred.

2. According to the petitioner, the requisition is made more than ten years after the amount was disbursed. Even if the period of five years granted for re-payment of the amount is excluded, the claim is time barred, according to the petitioner. It is contended that therefore

a time barred debt cannot be recovered by invoking the provisions of the Revenue Recovery Act.

3. In my view, the petitioner has an efficacious alternate remedy under the Act. He can approach either the District Collector or the Government under Section 87 of the Act. Petitioner has also a right of moving the Civil Court, for appropriate reliefs.

4. I heard the learned Counsel for the petitioners and the learned Government Pleader.

5. In the circumstances, I am not inclined to interfere with the revenue recovery notices under Article 226 of the Constitution of India. To enable the petitioner to avail of an efficacious alternate remedy, I direct that further enforcement of Exts.P1 and P2 shall be kept in abeyance for a period of three months from today. It is further directed that if the petitioner files a revision before the Government as against Exts.P1 and P2 within

one month from today, it shall be treated as filed within time and considered and disposed of within six months thereafter. If the revision is so filed, enforcement of Exts.P1 and P2 shall be kept in abeyance till the disposal of the revision by the Government, in the manner aforementioned. It is made clear that if the petitioner raises a contention that the claim is time barred, the revisional authority will be bound to address the issue and pass a reasoned order thereon.

Writ petition is disposed of as above.

V.GIRI,
Judge

mrcs